



National Enforcement Investigations Center

Case Results – ASARCO LLC

Hazardous Air Pollution Evaluation Investigation & Litigation Support

NEIC's Support:

- Forensics-based field investigations accredited under ISO/IEC: 17025
- CAA expertise
- Process based investigation
- Post-inspection services
 - Negotiation support
 - Consent decree submittal reviews

NEIC's Other Capabilities:

- Laboratory analyses accredited under ISO/IEC: 17025, General Requirements for the Competence of Testing and Calibration Laboratories
- Interpretation of analytical results
- Statistical services
- Toxicological expertise
- CAA, 112r, CWA, EPCRA, RCRA, and SDWA expertise
- Training

Background: ASARCO LLC operates a copper concentrator and smelter in Hayden, Arizona that produces 300-400 million pounds of copper and over 500,000 tons of sulfuric acid annually. The site has been in operation since 1912 and was the largest source of sulfur dioxide (SO₂) emissions in Arizona and has expanded over the years.

NEIC's support: In February 2011, NEIC conducted a process-based Clean Air Act (CAA) compliance investigation focused on determining if metal hazardous air pollutants (HAPs) (lead, arsenic, beryllium, etc.) were emitted at levels high enough for the facility to be subject to the National Emissions Standards for HAPs (NESHAP) for Primary Copper Smelting major sources.



In September 2011, NEIC issued a report to EPA Region 9 which noted uncontrolled particulate matter (PM) emissions; identified inaccurate potential to emit (PTE) calculations; documented inaccurate reporting of PM and HAP fugitive emissions; and found ASARCO to be a major source for HAPs.

EPA Region 9 relied upon NEIC's investigation findings to issue a Findings of Violation (FOV) to ASARCO. In November 2011, ASARCO was featured in National Public Radio (NPR) Series, *Poisoned Places: Toxic Air, Neglected Communities*, which highlighted the FOV issued by EPA Region 9 that was based on NEIC's investigation.

NEIC provided support to EPA Region 9 and the US Department of Justice during the development and litigation of the enforcement case. NEIC's CAA inspectors continue to provide Region 9 with technical support reviewing select submittals by ASARCO required by the consent decree (CD) to determine if they are technically sound and meet the intent of the CD.

Enforcement results: In November 2015, a CD was signed, which resulted in:

- \$151 million to install new equipment and pollution control technology
- \$8 million to fund local environmental projects
- \$4.5 million civil penalty
- Emission reduction of HAPs by at least 8.5 tons per year, particulate matter by 3,500 tons per year, and SO₂ by 19,000 tons per year

How to obtain NEIC's support

NEIC provides environmental forensics support for criminal and civil enforcement cases. If you would like more information on NEIC or to request laboratory analysis, toxicological support, an investigation, technical assistance, or training from NEIC, please contact us at neic_project_requests@epa.gov. You may also contact your regional enforcement coordinator for more information on requesting NEIC's support on civil projects and EPA's Criminal Investigation Division (CID) for support on criminal projects.